

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 26-40 are currently pending. Claims 37-40 are hereby added. Claims 26, 29, 32 and 34 are independent. Claims 26, 27, 29, 32, and 34-36 are hereby amended. No new matter has been introduced. Support for this amendment is provided throughout the Specification as originally filed.

Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. REJECTIONS UNDER 35 U.S.C. §103

Claims 26-36 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent Application Publication No. 2004/0128685 of Hassell et al. (hereinafter, merely "Hassell") in view of U.S. Patent No. 7,185,355 to Ellis et al. (hereinafter, merely "Ellis").

Applicants respectfully traverse this rejection.

Independent claim 1 is representative and recites, *inter alia*:

“control means for recording on the receiver digital content selected on the basis of the first selective information and reproducing the selected digital content based on a comparison of second selective information with the attributive information” (emphasis added).

In an aspect of the present invention, recording of the digital content is based on one set of selection criteria compared with the attributive information of the digital content and reproduction is based on a different selection criteria compared with the attributive information.

That is, filtering of the digital content on recording the program switches when selecting programs for reproduction. For example, the first selective information is for all family members combined when selecting which received programs are recorded. That is, the programs meeting the tastes of any family member are recorded based upon attributive information of the program. Then, when reproducing the recorded program, the program which suits a particular family member's taste is reproduced on the basis of second selective information that is set for the particular family member and the attributive information of the program, which is recorded in the recording/reproducing medium. Publ. App. par. [0051].

There is no teaching or suggestion in either Hassell or Ellis that recording of digital content is based on a first selective criteria but reproduction is based upon a second selective criteria.

Independent claim 29 recites language substantially the same as claim 26 and is believed patentable for at least the same reasons and claim 26.

Independent claims 32 and 34 recite, *inter alia*:

“recording digital content selected on the basis of the first selective information; and
...
reproducing the selected digital content based on a comparison of second selective information with the attributive information.”

An argument substantially the same as made for the patentability of claim 26 can be made for the patentability of claims 32 and 34 with respect to the above recited feature of those claims.

III. NEW CLAIMS

Claims 37 to 40 have been added.

Claim 37 has support in the as-filed specification at, for example, Publ. App. par. [0052].

Claim 38 has support in the as-filed specification at, for example, Publ. App. par. [0053].

Claims 39 and 40 have support in the as-filed specification at, for example, Publ. App. par. [0056].

IV. OTHER DEPENDENT CLAIMS

The other claims are dependent from one of the claims discussed above and are therefore believed patentable for at least the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

Claims 26-40 are in condition for allowance. In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or

references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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